

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT – SEPARATE SHEET**

International application Nr PCT/FR03/02179

Concerning point V

Reasoned statement with regard to novelty, inventive step and industrial application; citations and explanations supporting such statement

Reference is made to the following documents:

- D1 : US-A-5925032 (CLEMENTS DON A) 20 JULY 1999 (1999-07-20)
D2: US-A-5876379 (BLATT EDWIN W ET AL) 2 MARCH 1999 (1999-03-02)
D3: US-A-4904244 (HARSH DON J ET AL) 27 FEBRUARY 1990 (1990-02-27)

1. Document D1, which is considered as the closest prior art to the subject of **claim 1**, discloses (see column 1, lines 32-34 and column 1, line 66 – column 2, line 32), (references in brackets applying to that document):

1.1. An accessory (10) for a syringe (26), comprising first holding means (12, 13) bearing against the needle (46) of the syringe (26) or against the adapter that connects this needle (46) to this syringe (26), and second holding means (14, 15) bearing against the syringe body (26), these first and second holding means (12, 13; 14, 15) allowing the needle (46) to be held on the syringe body (26) when stress is exerted on the needle (46) in the longitudinal direction of the syringe (26) at the time of injection, with a tendency to separate the needle (46) from the syringe body (26);

the accessory (10) containing:

- a body of roughly semi-tubular shape and made of a half-tube (12) ;
- the first holding means (12, 13) comprise a distal transverse wall connected to one end of said body and pierced with a hole (31) for the passage of the needle (46) through it, and
- said second holding means comprise a bearing zone (17) against which the proximal end (38) of the syringe body (26) is intended to bear,

- the distance between said distal transverse wall and said bearing zone (17) being such that, in use, the adapter connecting the needle to the syringe body (26) is kept bearing against said distal transverse wall when the syringe body (26) bears against said bearing zone (17) (see column 1, lines 32-34).

Consequently, document D1 discloses all the features of claim 1 and its subject matter is therefore not new, within the meaning of Article 33(2) PCT.

2. The **dependent claims 2-18** do not contain any feature which, in combination with those of any of the claims they depend on, defines a subject matter satisfying the requirements of the PCT as far as novelty and/or inventive step is/are concerned. See for example:

2.1 Novelty:

D1 : column 1 lines 32-34, column 1, line 66 – column 2, line 32, figures 2-4, for **claims 6, 9-13, 16 and 18**;

2.2 Inventive step:

D1 : figures, for **claims 5, 7, 14, 15, 17** ;

D3 : figures 1, 2, for **claim 8**.

In **claims 2-4**, a slight constructional modification to the accessory for a syringe described in claim 1 is defined; this modification belongs to current practice for the person skilled in the art, and the derived advantages are easily predictable.

2.3 Remarks:

The subject of claim 1 as defined in its present form is not clear, contrary to Article 6 PCT.

In the phrase "the accessory for a syringe" (line 3), this phrase should be interpreted as simply meaning "accessory adapted for use with a syringe". Therefore, the syringe does not form part of the claimed device. However, the definition of the present claim attempts to define the accessory through its relation with such a syringe:

- a) first holding means bearing against *the needle of the syringe* (lines 4 and 5);
- b) second holding means bearing against *the syringe body* (lines 6 and 7).

The above-mentioned problem can be overcome in reformulating the claim as follows:

- a*) first holding means allowing a bearing against the needle;
- b*) second holding means allowing a bearing against the body of the syringe.

To give a proper interpretation of the device as disclosed in D1, it can be deducted that, implicitly and in use, the adapter that connects the needle (46) to the syringe body (26) must be kept bearing against the distal transverse wall of the bearing means (12) when the syringe body bears against the proximal bearing zone if, according to D1, a separation between the needle (46) and the syringe body (26) should be avoided (see D1, column 1, lines 32-34).